REMARKS

Claims 1-3, 5-11, 22-24, and 26-32 remain pending in this application. In the Office Action, the Examiner rejected claims 1-3, 5-11, 22-24, and 26-32 under 35 U.S.C. § 103(a) as being unpatentable over *Walker et al.* (US 6,487,291) in view of *Khouri et al.* (US 6,665,396), and rejected claims 1-3, 5-11, 22-24, and 26-32 under 35 U.S.C. § 103(a) as being unpatentable over *Cambray et al.* (US 5,278,898) in view of *Khouri et al.* (US 6,665,396).

Applicant respectfully traverses the rejections of claims 1-3, 5-11, 22-24, and 26-32 under 35 U.S.C. § 103(a) for the reasons below.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. *See* M.P.E.P. § 2143.

Independent claims 1 and 22 recite, among other things:

> retrieving, when the customer provides the identification number, customer information about the customer based on the provided identification number;
>
> computing a customer prioritization score based on the retrieved customer information.

Walker and Khouri

Walker et al., however, contains no disclosure or suggestion of at least "retrieving, when the customer provides the identification number, customer information about the customer based on the provided identification number; computing a customer

prioritization score based on the retrieved customer information," as recited in claims 1 and 22.

By contrast, *Walker et al.* is directed to a system which enables the position of a call in a queue to be moved within the queue according to a determined criteria. (Col. 2:48-51). Call data associated with the call (i.e., the calling number, time of the call, etc.) is forwarded by a private branch exchange (PBE) to an automatic call distributor (ACD). (Col. 3:38-39). The ACD then creates a record based on the call data and provides a signal to an interactive voice response unit (IVRU), which queries the caller to obtain data regarding the **subject of the call** (e.g., the quantity of items being ordered, a catalog number, etc.). (Col. 3:38-58). Based on the data provided by the caller regarding the subject of the call, the ACD assigns an economic value to the call. (Col. 3: 58-60).

In the Office Action on page 3, the Examiner cites *Walker et al.* as follows: "*Walker et al. . .* discloses . . . retrieving customer information associated with an identification number, (col. 5, lns. 3-9), computing a prioritization score (col. 5, lns. 65-67)." The cited portions of *Walker et al.*, however, merely describe calculating an economic value for the call based on information about the call. (Col. 5: 65-67). *Walker et al.* therefore fails to disclose or suggest "retrieving, when the customer provides the identification number, customer information about the customer based on the provided identification number," and "computing a customer prioritization score based on the retrieved customer information," as required by claims 1 and 22.

Khouri et al., cited to show associating a customer input with his/her respective account, fails to cure the above deficiencies of *Walker et al.*, noted above. For instance,

Khouri et al. simply discloses that a caller may provide an access code or user ID, but does not disclose "retrieving . . . customer information about the customer" based on the provided code or ID, and/or "computing a customer prioritization score based on the retrieved customer information," as recited in claims 1 and 22. Therefore, *Walker et al.* and *Khouri et al.*, whether taken alone or in combination, fail to disclose or suggest all of the elements of claims 1-3, 5-11, 22-24, and 26-32. The Examiner has therefore not met an essential criteria for establishing a *prima facie* case of obviousness. *See* M.P.E.P. §§ 2142, 2143, and 2143.03.

Cambray* and *Khouri

Cambray et al. also contains no disclosure or suggestion of at least "retrieving, when the customer provides the identification number, customer information about the customer based on the provided identification number; computing a customer prioritization score based on the retrieved customer information," as recited in claims 1 and 22. *Cambray et al.* is directed to a system for electronically managing calls in a hold queue where the hold queue is separated into multiple priority categories according to user selectable priority criteria. (Abstract). *Cambray et al.* discloses how each call record includes a first portion identifying the connected call by a number, telephone line, or other similar identification indicia, and a second portion containing predetermined indicia used to prioritize the call. (Col. 3: 5-13). In particular, the second portion may indicate the "age" of the call, i.e., the amount of time that the call has been "on hold." (Col. 3: 14-18). A hold queue prioritizer and a call retriever receive predetermined priority criteria from a source system, and the priority criteria determines what standards

the hold queue prioritizer/retriever will use after scanning the contents of the hold queue to form priority categories. (Col. 3: 19-25). The priority categories determine the order the hold queue prioritizer/call retriever will retrieve the call records. (Col. 3:26-30).

Simply using predetermined priority criteria, such as the "age" of a call, to assign a priority to a call is not a disclosure or suggestion of "retrieving, when the customer provides the identification number, customer information about the customer based on the provided identification number; computing a customer prioritization score based on the retrieved customer information," as recited in claims 1 and 22. Therefore, contrary to the Examiner's allegations, *Cambray et al.* fails to disclose or suggest these claim limitations.

The Examiner again cites *Khouri et al.* for a disclosure of associating a customer input with his/her respective account. As before, *Khouri et al.* fails to cure above deficiencies of *Cambray et al.* *Khouri et al.* simply discloses that a caller may provide an access code or user ID. The reference does not disclose or suggest "retrieving . . . customer information about the customer" based on the provided code or ID, and/or "computing a customer prioritization score based on the retrieved customer information," as recited in claims 1 and 22. Therefore, *Cambray et al.* and *Khouri et al.*, whether taken alone or in combination, fail to disclose or suggest all of the elements of claims 1-3, 5-11, 22-24, and 26-32. The Examiner has therefore not met an essential criteria for establishing a *prima facie* case of obviousness. *See* M.P.E.P. §§ 2142, 2143, and 2143.03.

Thus, Applicants submit that the Examiner's reliance on these references fails to establish *prima facie* obviousness. Therefore, Applicants submit that independent

claims 1 and 22 are allowable, for the reasons argued above. In addition, dependent claims 2-3, 5-11, 23-24, and 26-32 are also allowable at least by virtue of their respective dependence from allowable base claims 1 and 22. Therefore, Applicants respectfully submit that the Examiner should withdraw the 35 U.S.C. § 103(a) rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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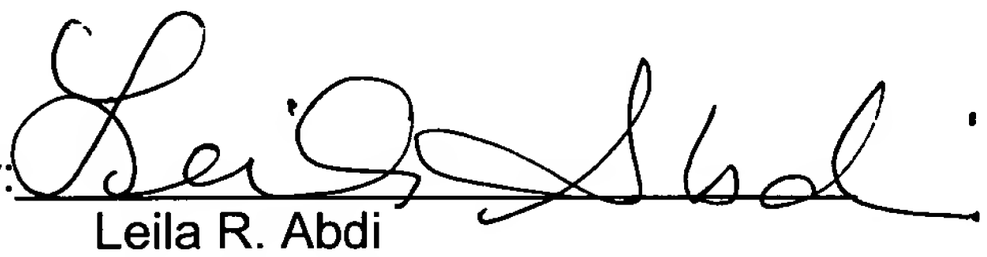
GARRETT & DUNNER, L.L.P.

Dated: February 3, 2005

By: 
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